

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
W/S Falls Road, 2500' S of the * ZONING COMMISSIONER
C/I of Benson Mill Road (15906 Falls Road)
5th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District * Case No. 90-62-SPH
Dennis G. McGee
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve the non-density transfer of 4.00 acres to an adjoining property owner and to establish not more than two lots from a 12.00 acre parcel in an R.C. 2 zone, as more particularly described in Petitioner's Exhibit 1.

The Petitioner appeared, testified and was represented by J. Melville Townsend, Esquire. No appearing on behalf of the Petition was Michael B. Dallas, Registered Property Line Surveyor. There were no Pro-estants.

Testimony indicated that the subject property, known as 15906 Falls Road, was part of a 12.00 acre tract zoned R.C. 2 located off of Falls Road, and is designated as Parcel 3 on Petitioner's Exhibit 1. Said property consists of 4.00 acres which Petitioner purchased by deed dated November 7, 1986. Mr. McGee testified that at the time of purchase, he understood the property was a buildable lot and he subsequently obtained all necessary financing for the construction of a home. However, upon application for building permit approval by the Zoning Office, he was advised that the subdivision of the 12.00 acres into the three lots was an illegal subdivision as the R.C. 2 classification permits subdividing into only two lots. Through his Counsel, Mr. McGee argued that the spirit and intent of the zoning regulations can be met as one of the two parcels will

not be used for residential development purposes and has a common owner with an adjoining lot which is improved with a dwelling.

To support Petitioner's position, the following history of the subject property was presented. In 1932, by deed dated March 15, 1932, the subject 12.00 acres and an additional 2.00 acres more or less were purchased by Levy and Bessie Curtis. Subsequently, by deed dated May 6, 1971, Bessie A. Curtis, then a widow, transferred 1.451 acres of the 14.00 acres more or less to her son, Thomas Curtis and Dorothy R. Curtis, his wife. Said parcel is identified as Parcel A on Petitioner's Exhibit 1. Thereafter, .7 acres of the remaining acreage was deeded to the Baltimore Gas and Electr. Company in 1973. At that time, there remained 12.00 acres more or less. Bessie Curtis passed away in February, 1983 and by will divided the property among her three children. On August 17, 1984, the three children filed a deed in lieu of partition in the Land Records of Baltimore County dividing the remaining 12.00 acres illegally into three parcels. Testimony presented by Petitioners indicated that since 1984, there has been no construction on any of the three parcels. Parcel 1 was given to the daughter, Martha Kohler who has since passed away and left Parcel 1 to Thomas Curtis' daughters. Parcel 2 was deeded to Thomas Curtis, the adjoining property owner of Parcel A and Parcel 3 was deeded to Martha Kohler as Trustee for her brother, Harry Curtis. Parcel 3 was subsequently sold in 1984 to Petitioner's predecessor in interest. The division of the property into three (3) lots is an illegal subdivision in violation of Section 1A01.3 of the B.C.Z.R. No evidence to the contrary was presented by Petitioners. Petitioner argued that since the regulations permit two density units on the property, if there is a merging of Parcel A with Parcel 2 by a non-density transfer of the 4.00 acres of

Parcel 2 to Parcel A, the requirements of the zoning regulations will be met as Parcels 1 and 3 will remain. Petitioner argued he will then be able to build on the property he purchased at considerable expense.

As explained at the hearing, the relief requested by Petitioners involves property rights of individuals who have not joined in the Petition. At the hearing held on August 25, 1989, the case was left open to permit Petitioners the opportunity to have the property owner of Parcel 2, Thomas R. Curtis, consent to the designation of Parcel 2 as a non-density transfer of 4.0 acres and verify that Parcel 1 contains only one dwelling. On January 8, 1990, the Petitioner contacted the Zoning Commissioner's Office and advised that no additional evidence and/or documentation would be submitted.

After due consideration of the testimony and evidence presented, the relief requested must be denied as all necessary parties have not joined in the Petition. The subdivision of the property in August 1984 into three (3) lots was an illegal subdivision. To grant the relief requested, the non-density transfer of the 4.00 acres, or Parcel 2, to Parcel A, as depicted in Petitioner's Exhibit 1, would require the participation of the owner of said parcels.

Pursuant to the advertisement, posting of the property, and hearing held on the Petition, in the opinion of the Deputy Zoning Commissioner, the relief requested in the Petition for Special Hearing should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 11th day of January, 1990 that the Petition for Special Hearing to approve the non-density transfer of 4.00 acres to an adjoining property owner and to establish not more than two lots from a

12.00 acre parcel in an R.C. 2 zone, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that no permits shall be issued and/or approved by the Zoning Commissioner's Office for the Parcels known as 1, 2, and 3, as set forth in Petitioner's Exhibit 1, without a special hearing determining the appropriateness of same and/or approval of the Zoning Commissioner and/or Deputy Zoning Commissioner after submission of appropriate documentation.

ANN:bjs

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 1/11/90
By [Signature]

ORDER RECEIVED FOR FILING
Date 1/11/90
By [Signature]

ORDER RECEIVED FOR FILING
Date 1/11/90
By [Signature]

ORDER RECEIVED FOR FILING
Date 1/11/90
By [Signature]

IN THE MATTER OF THE * BEFORE THE
APPLICATION OF DENNIS G. MCGEE * COUNTY BOARD OF APPEALS
FOR A SPECIAL HEARING ON *
PROPERTY LOCATED ON THE WEST * OF
SIDE OF FALLS ROAD, 2500' * OF
SOUTH OF THE CENTERLINE OF * BALTIMORE COUNTY
BENSON MILL ROAD (15906 FALLS *
ROAD) * CASE NO. 90-62-SPH
5TH ELECTION DISTRICT *
3RD COUNCILMANIC DISTRICT * *

OPINION

This is an appeal from the decision of the Deputy Zoning Commissioner's Order dated January 11, 1990 wherein Petitioner's Special Hearing request was denied. Specifically, the Petitioner is requesting non-density transfer of 4.00 acres to an adjoining property owner and to establish not more than two (2) lots from a 12.00 acre parcel in an RC-2 zone. The appeal to this Board is de novo. This decision is based upon the evidence and testimony presented to this Board including the stipulation of facts, proffers of testimony made by the Appellant and exhibits filed herein.

The Appellant appeared and testified in these proceedings represented by Counsel, Hurst R. Hessey, Esquire. Petitioner also produced the testimony of Michael B. Dallas, a registered surveyor, who offered the plat of the subject property into evidence as Petitioner's Exhibit No. 1. Deputy People's Counsel, Peter Max Zimmerman, Esquire, also participated in these proceedings and offered the testimony of Wallace S. Lippincott, Jr., Community Planner with the Office of Planning and Zoning.

The subject property is known as 15906 Falls Road and consists of part of a 12-acre tract presently zoned RC-2 located off of

Dennis G. McGee, Case No. 90-62-SPH 2

Falls Road in northern Baltimore County. The Board has designated this property as Parcel 3 on Petitioner's Exhibit No. 1. This parcel is four (4) acres in size, which was purchased by the Petitioner in November, 1986. The proffers made to this Board indicate that the Petitioner believed he was purchasing a buildable lot at the time of purchase since it had passed percolation and had a well already in place. It was when he made application for a building permit approval that he was informed by County authorities that his parcel was part of an illegal subdivision of the 12 acres into three (3) separate lots since an RC-2 zoning classification only permits two (2) lots. Petitioner offered into evidence an agreed stipulation of facts which sets out the history of the 12-acre tract, its subdivision, and the various deeds transferring interests to parts of the property. This history is also set out in the opinion of the Deputy Zoning Commissioner dated January 11, 1990. It is clear to this Board and also agreed to by Counsel that the subdivision of the property into three (3) lots was an illegal subdivision in violation of Section 1A01.3 of the Baltimore County Zoning Regulations (BCZR).

Because the property is zoned RC-2, only two (2) density units under the Zoning Regulations are permitted on the entire property consisting of 12 acres. The Petitioner is desperately requesting that he receive relief from this Board to permit him to build on his lot. Unfortunately, this Board cannot grant the relief requested by the Petitioner in these proceedings.

Mr. Wallace S. Lippincott, Jr. of the Office of Planning and

Dennis G. McGee, Case No. 90-62-SPH 3

Zoning testified that his department has reviewed this matter and that the Zoning Regulations only permit two (2) density units for the entire tract of property and not three (3) as the illegal subdivision so suggests. The present zoning posture of the entire property is considered one tract with the potential for two (2) parcels and only two (2) density units. This Board is unable to grant the relief requested by the Petitioner for the same reasons as given by the Deputy Zoning Commissioner below. As was aptly stated by the Deputy Zoning Commissioner, the property rights of other individuals are involved in these proceedings, which individuals have not been joined in the Petition. It is clear that the consent of the other property owner, Thomas R. Curtis, to a non-density transfer of 4.0 acres with his parcel of property is necessary. Counsel for the Petitioner proffered to this Board that Mr. Curtis, who was present at the hearing but did not testify, had no objections to the granting of the building permit for the Petitioner's property, but would not consent to or join in Petitioner's Petition requesting the non-density transfer of Petitioner's property with his property.

Because the subdivision of the property was illegal and because the necessary parties have not joined in with the Petitioner with his request for the non-density transfer, the relief requested cannot be granted.

While this Board would like to grant the Petitioner relief, it simply cannot do so. This Board is charged with the responsibility of upholding the Zoning Regulations for Baltimore County which do not permit Petitioner's request. Petitioner may have relief by way of a civil action filed in the Circuit Court for

Dennis G. McGee, Case No. 90-62-SPH 4

Baltimore County for damages or, in the alternative, to set aside the deed conveyance to him. Further, he may be entitled to relief pursuant to Section 22-44 of the Baltimore County Code which seems to apply to the factual circumstances in this case.

ORDER

For the reasons as set out above, it is this 21st day of August, 1990 by the County Board of Appeals of Baltimore County ORDERED that the Petition for Special Hearing to approve the non-density transfer of 4 acres to an adjoining property owner and to establish not more than two (2) lots from a 12-acre parcel in an RC-2 zone, be and the same is hereby DENIED, and

IT IS FURTHER ORDERED that no permits shall be issued and/or approved by the Zoning Commissioner's office for the parcels known as 1, 2, and 3 as set forth in Petitioner's Exhibit No. 1, without a special hearing determining the appropriateness of same and/or approval of the Zoning Commissioner after submission of appropriate documentation.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Michael B. Sauer, Acting Chairman
Dennis B. MacLeland
Lynn B. Moreland
Arnold G. Foreman

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: June 22, 1989
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for June 13, 1989

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 493, 514, 517, 520, 521, 522, 524, 528, 529, 531, and 532.

For Item 511, the minimum panhandle width for one lot is 20 feet, not 10 feet as shown on the plan.

For Items 513, 516 and 533 the previous County Review Group Comments still apply.

For Item 519, all lots must have in-fee frontage to a public road.

For Item 530, comments are attached.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s
Encl.

Baltimore County
Zoning Commission
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

February 20, 1990



Dennis F. Rasmussen
County Executive

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Special Hearing
W/S Falls Road, 2500' S of the c/l of Benson Mill Road
(15906 Falls Road)
5th Election District, 3rd Councilmanic District
DENNIS G. MCGEE - Petitioner
Case No. 90-62-SPH

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on February 8, 1990 by Hurst R. Hessey, Attorney on behalf of the Petitioner. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: Dennis G. McGee, 2513 Whitehall Road, Whitehall, MD 21161

Hurst R. Hessey, Hessey & Hessey, 1311 Fidelity Building,
Charles and Lexington Streets, Baltimore, MD 21201

Michael B. Dallas, Suite 200, 24 W. Pennsylvania Avenue,
Towson, MD 21204

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

HESSEY & HESSEY
ATTORNEYS AT LAW
1311 FIDELITY BUILDING
CHARLES AND LEXINGTON STS. REETS
BALTIMORE, MARYLAND 21201
TELEPHONE (301) 539-3300
FAX (301) 539-3305
TELE
517355 BAL LAW UD
EASTVIEW WALKER
65052544

JOHN R. MORRIS, EMERITUS
JOHN H. HESSEY, 1930-1979
JOHN H. HESSEY, IV 1923-1987

VIA MAGIC MESSE GER

February 7, 1990

Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
ATTN: Appeals Division

Gentlemen:

RE: 15906 Falls Road
Case No.: 90-62-SPH

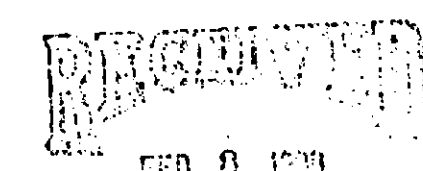
We now represent the Petitioner, Dennis McGee, in the captioned matter. Please accept this letter as our notice of Appeal of the decision entered in this matter on January 11, 1990. Enclosed is our check in the amount of \$150.00 for filing fees.

If you have any questions concerning this matter, please do not hesitate to call.

Sincerely,

Hurst R. Hessey
Hurst R. Hessey

Enclosure
cc: Mr. Dennis McGee
HRH/eal
ltzcom.207



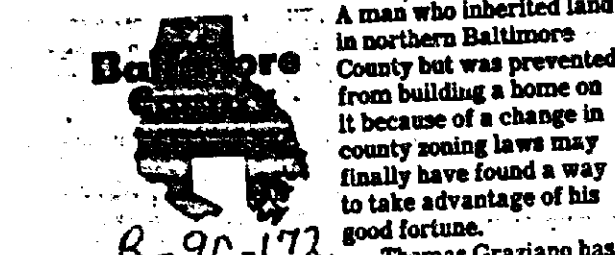
FEB 8 1990
ZONING OFFICE

EVENING SUN

August 1, 1990

THOMAS J. GRAZIANO, ET UX Case No. R-90-172

Heir's building plans proceed



A man who inherited land in northern Baltimore County but was prevented from building a home on it because of a change in county zoning laws may finally have found a way to take advantage of his good fortune.
Thomas Graziano has obtained approval from the county Board of Appeals and planning board to build a house on the six acres he inherited on Freeland Road near Middlebrook Road.
He inherited the land in 1981 after the death of Linnette Beldger. She provided that her 20-acre plot be split in two, one for her grandson and six acres for Graziano. Although the zoning on the land had never changed since the will was prepared in 1976, the county changed the meaning of the RC-2 zone in 1979 to allow only one house per 30 acres. Thus after the grandson built a house, no density was left for Graziano to use for his own.
He's been trying to find a way to get a building permit for the last several years, once going to Circuit Court only to have his hopes dashed.
The board has approved changing the zoning to RC-4, which permits one house per acre, and the board noted that Graziano promised the planning board that he would apply to change the zoning back to RC-2, to prevent any more building, once he got his building permit for one house. The board also noted that if he fails to keep his promise, the County Council can change the zoning back anyway in 1992.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: August 11, 1989
Zoning Commissioner
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Dennis G. McGee, Item 519
Zoning Petition No. 90-62-SPH

The petitioner requests a special hearing for a non-density transfer in a RC-2 zone. In reference to this request, staff offers the following comments:

This office does not support the requested petition. The property is in a rural-agricultural area which provides for a minimum of subdivision as provided for in ECZR 1A01.3.B.1. If, however, this issue is resolved through other mechanisms, the following recommendations should be addressed on a plat:

1. Dwellings will be located in a manner to permit the maximum retention of agricultural value to the remainder of the property and adjacent properties;
2. When possible the dwelling should not be located on prime or productive soils;
3. Building setbacks should be a minimum of 100 feet from a lot line which borders farmland in active use or having prime or productive soils; and
4. Falls Road is a major collector and the access to these properties must be through an existing curb cut to prevent the need for a new curb cut.

PK/JL/sf

STIPULATION OF FACTS

In 1932, by deed dated March 15, 1932, the subject 12.00 acres and an additional 2.00 acres more or less were purchased by Levy and Bessie Curtis. Subsequently, by deed dated May 6, 1971, Bessie A. Curtis, then a widow, transferred 1.451 acres of the 14.00 acres more or less to her son, Thomas Curtis and Dorothy R. Curtis, his wife. Said parcel is identified as Parcel A on Petitioner's Exhibit 1. Thereafter .7 acres of the remaining acreage was deeded to the Baltimore Gas and Electric Company in 1973. At that time, there remained 12.00 acres more or less. Bessie Curtis passed away in February, 1983 and by will divided the property among her three children. On August 17, 1984, the three children filed a deed in lieu of partition in the Land Records of Baltimore County dividing the remaining 12.00 acres illegally into three parcels. Testimony presented by petitioners indicated that since 1984, there has been no construction on any of the three parcels. Parcel 1 was given to the daughter, Martha Kohler who has since passed away and left Parcel 1 to Thomas Curtis' daughters. Parcel 2 was deeded to Thomas Curtis, the adjoining property owner of Parcel A and Parcel 3 was deeded to Martha Kohler as Trustee for her brother, Harry Curtis. Parcel 3 was subsequently sold in 1984 to Petitioner's predecessor in interest. The division of the property into three (3) lots is an illegal subdivision in violation of Section 1A01.3 of the B.C.Z.R.

CV-4

COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204
TELEPHONE (301) 539-3300
FAX (301) 539-3305

In the matter of Case Number 90-62-SPH
Zoning Commissioner for Baltimore County (X) Civil () Criminal

Dennis McGee,
Petitioner

SUBPOENA

TO: (Name, Address & County)
Mr. Thomas Curtis
15902 Falls Road
Sparks, Maryland 21152

YOU ARE HEREBY COMMANDED TO: (X) Personally appear; () Produce documents and or objects only; () Personally appear and produce documents and or objects.
at County Office Building, 111 W. Chesapeake Ave., Room 301, Towson, MD 21204
(Place where attendance is required)

on Friday the 17th day of August, 1990 at 10:00 a.m./p.m.

YOU ARE COMMANDED TO produce the following documents or objects:

Subpoena requested by () Plaintiff; (X) Defendant; and any questions should be referred to:
Hurst R. Hessey, 1311 Fidelity Building, Baltimore, Maryland 21201, 301-539-3300
(Name of Party or Attorney, Address and Phone Number)

Date Issued: Clerk: Signature & Seal:

NOTICE:
(1) YOU ARE LIABLE TO BODY ATTACHMENT AND FINE FOR FAILURE TO OBEY THIS SUBPOENA.
(2) This subpoena shall remain in effect until you are granted leave to depart by the Court or by an officer acting on behalf of the Court.
(3) If this subpoena is for attendance at a deposition and the party served is an organization, notice is hereby given that the organization must designate a person to testify pursuant to Rule 2-412(c).

SHERIFF'S RETURN

() Served and copy delivered on date indicated below.
() Unserved, by reason of:

Date: Fee: \$ SHERIFF

Original and one copy needed for each witness

RE: PETITION FOR SPECIAL HEARING : BEFORE THE COUNTY BOARD OF APPEALS
W/S Falls Rd., 2500' S of C/L : OF BALTIMORE COUNTY
Benson Mill Rd. (15906 Falls Rd.):
5th Election District : Case No. 90-62-SPH
3rd Councilmanic District :
DENNIS G. MCGEE, Petitioner :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

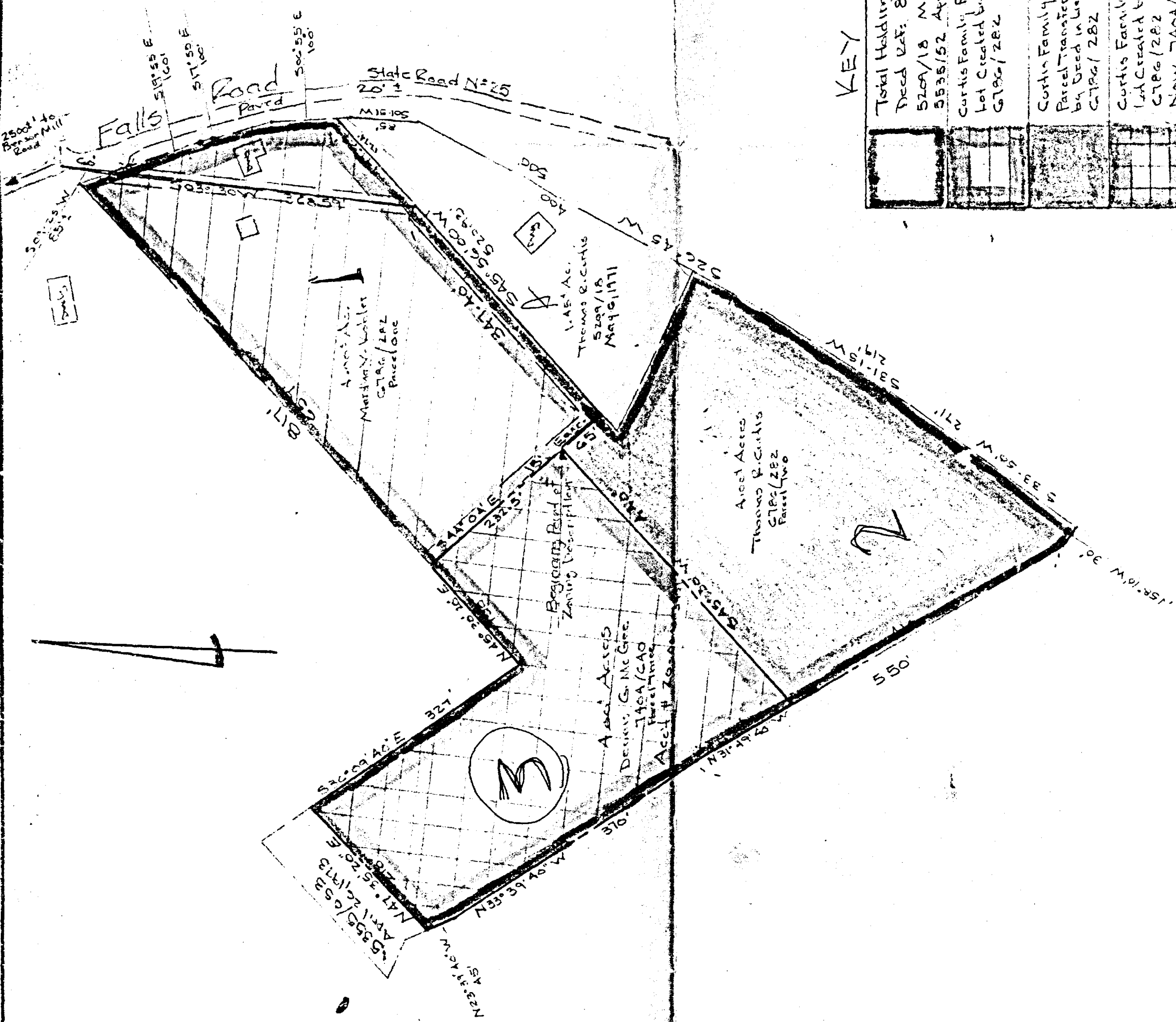
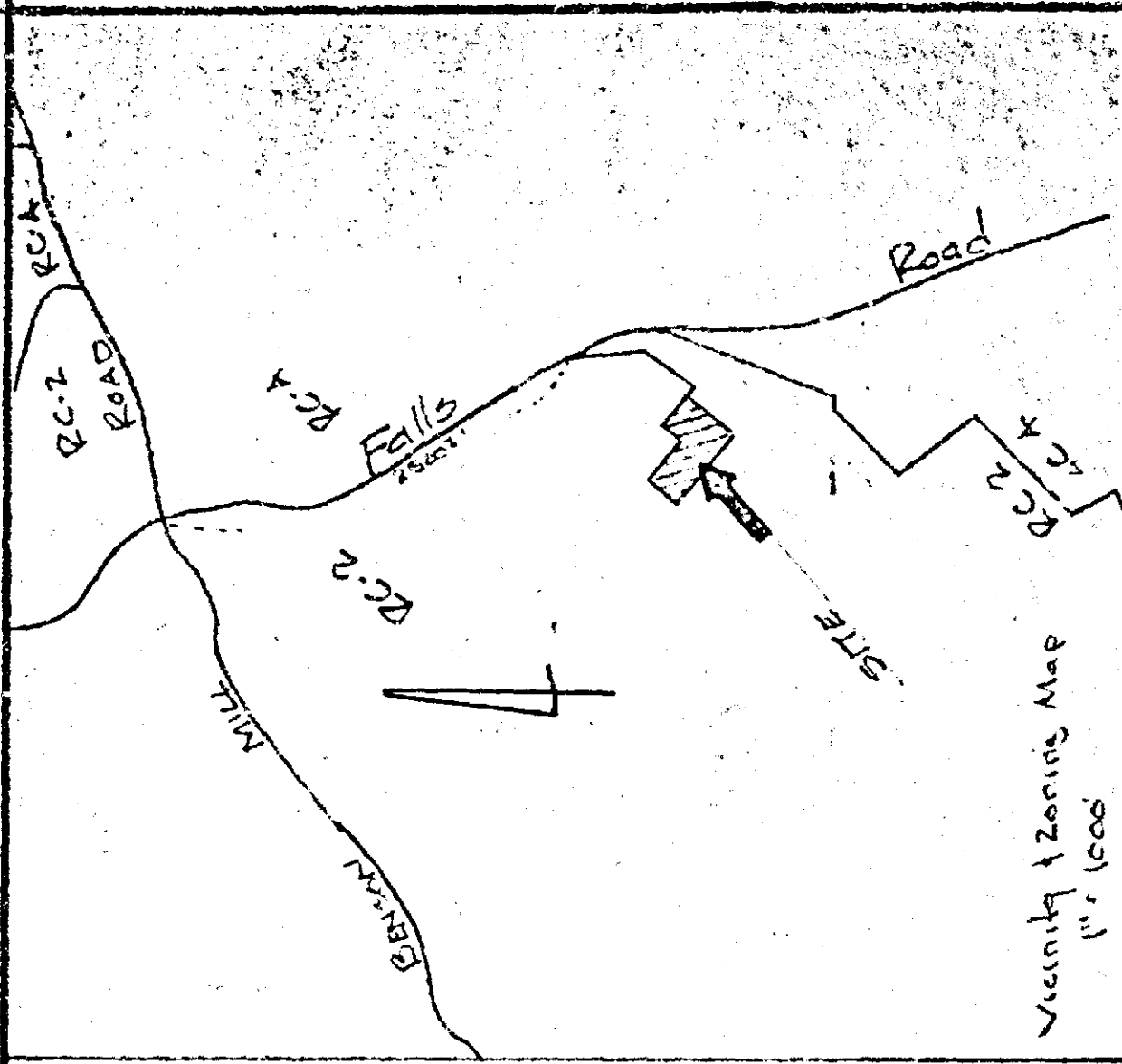
Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
887-2188

I HEREBY CERTIFY that on this 27th day of February, 1990, a copy of the foregoing Entry of Appearance was mailed to Hurst R. Hessey, Esquire, Hessey & Hessey, 1311 Fidelity Bldg., 210 N. Charles St., Baltimore, MD 21201, Attorney for Petitioner/Appellant.

Phyllis Cole Friedman
Phyllis Cole Friedman

RECEIVED
FEB 22 1990



ZONING DATA
 Existing Zoning RC-2
 Proposed Zoning RC-2
 Area of site 4.00 Acres
 Proposed Dwellings 1
 Private well and septic system

KEY

	Total Holdings as of Nov. 25, 1979
	Decd. 8/5/75 saving & excepting 5/29/78 May 9, 1971
	Curtis Family Parcel Number One
	Lot Created by Decd. in Lieu of Partition 6/26/78 August 17, 1984
	Curtis Family Parcel Number Two
	Parcel Transferred to Adjacent Property Owner by Decd. in Lieu of Partition 6/26/78 August 17, 1984
	Curtis Family Parcel Number Three
	Lot Created by Decd. in Lieu of Partition 6/26/78 August 17, 1984
	New 7A04/640 Nov. 7, 1985

ZONING PLAT 15906 Falls Road
 5th Election District, Baltimore County, Md.
 Scale 1" = 100'
 May 9, 1985
 OWNER: Dennis G. McGee
 2313 Whitehall Road
 Whitehall, Maryland 21161
 Phone: 343-1454
 ATTORNEY: J. Melville Townsend
 24 W. Pennsylvania Avenue St. 200
 Towson, Maryland 21204
 Phone: 825-7488



MICHAEL B. DALLAS
 REGISTERED SURVEYOR
 SUITE 200
 24 W. PENNSYLVANIA AVENUE
 TOWSON, MD. 21204
 301-424-0020



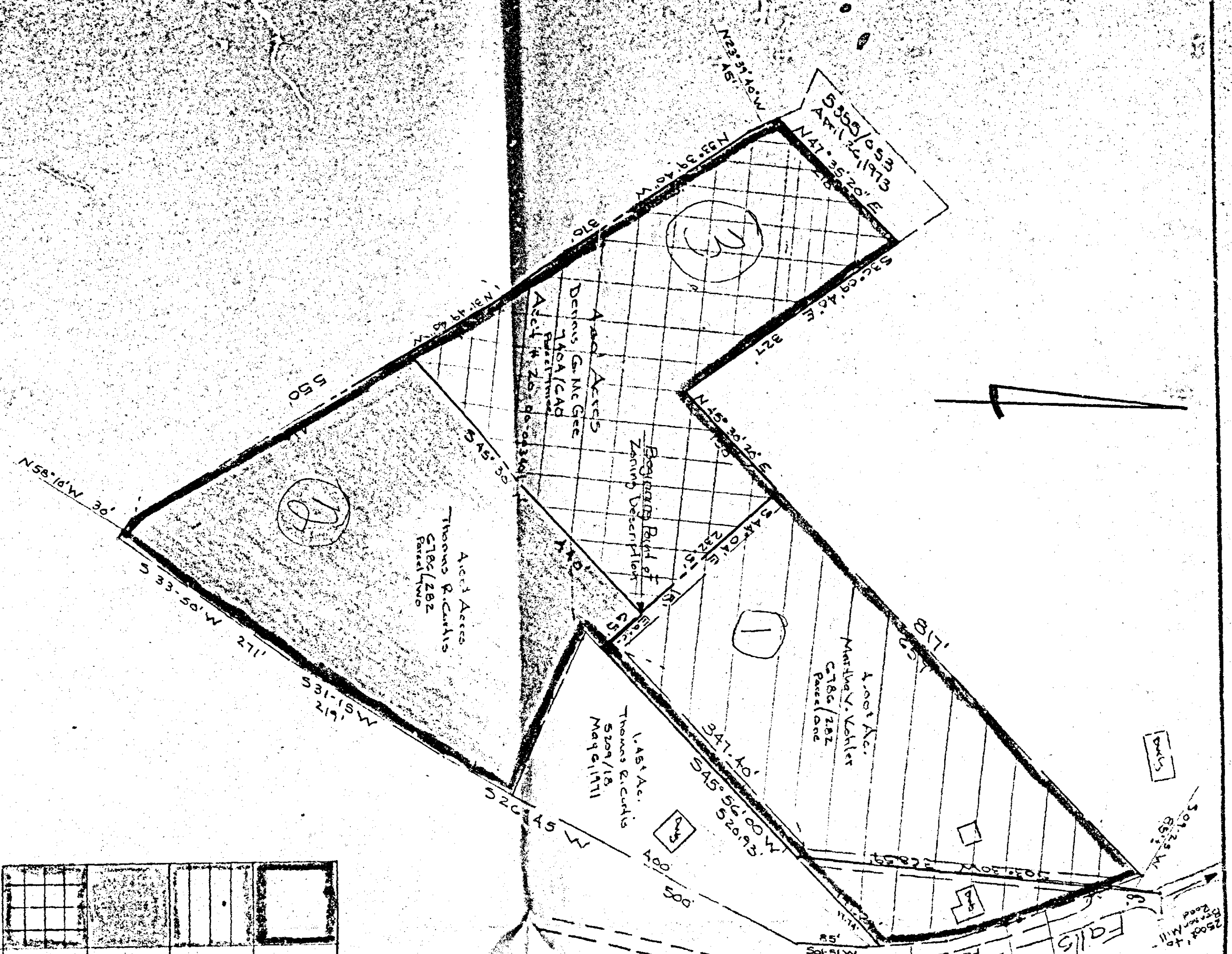
11/1984

MICHAEL B. DALLAS
 REGISTERED SURVEYOR
 SUITE 200
 24 W. PENNSYLVANIA AVENUE
 TOWSON, MD. 21204
 301-424-0020

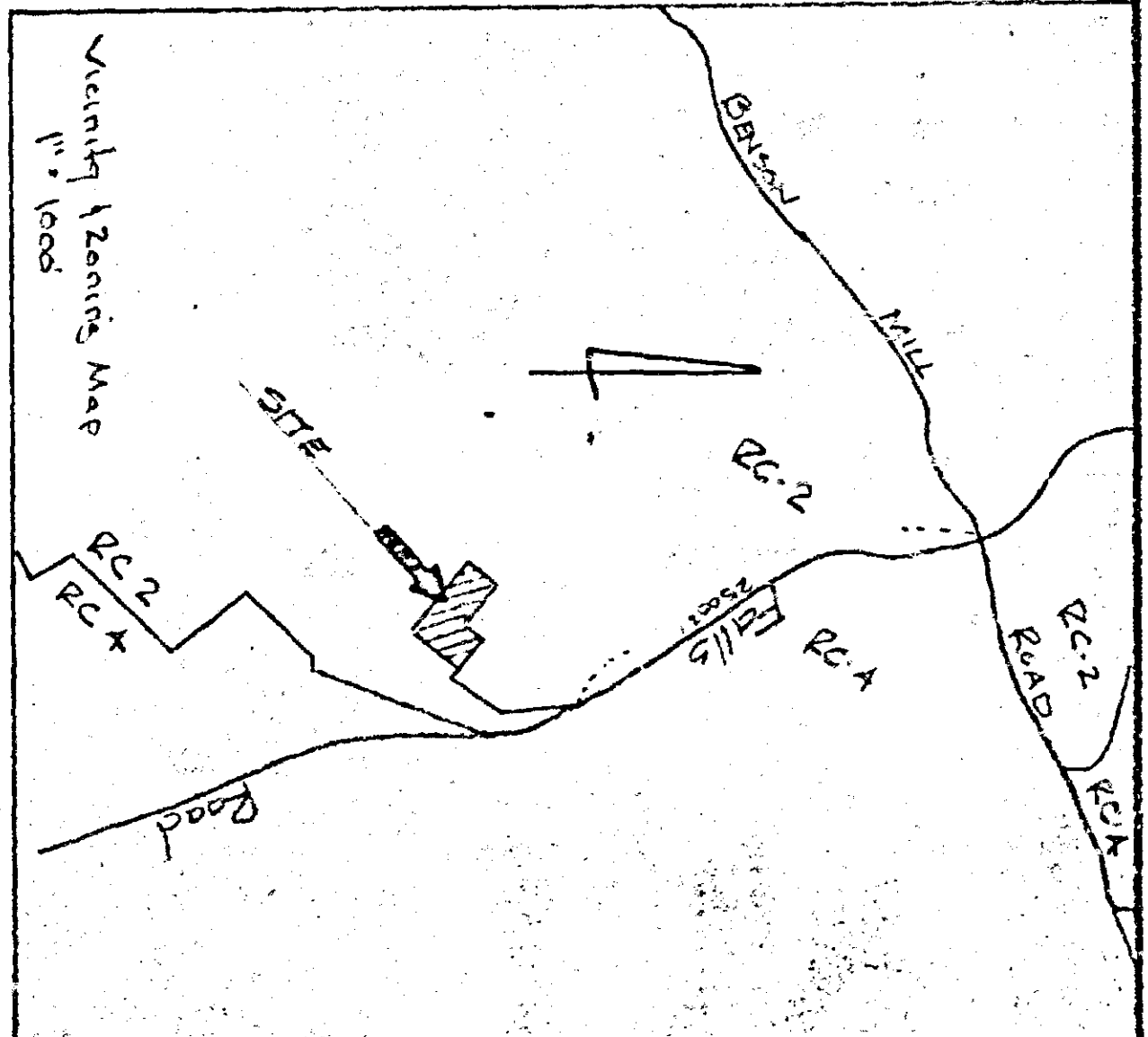
KEY

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	Lot Created by Decd. in Lieu of Partition 6/26/78 August 17, 1984
	New 7A04/640 Nov. 7, 1985

ZONING PLAT 15906 Falls Road
 5th Election District, Baltimore County, Md.
 Scale 1" = 100'
 May 9, 1985
 OWNER: Dennis G. McGee
 2313 Whitehall Road
 Whitehall, Maryland 21161
 Phone: 343-1454
 ATTORNEY: J. Melville Townsend
 24 W. Pennsylvania Avenue St. 200
 Towson, Maryland 21204
 Phone: 825-7488



ZONING DATA
 Existing Zoning RC-2
 Proposed Zoning RC-2
 Area of site 4.00 Acres
 Proposed Dwellings 1
 Private well and septic system



CERTIFICATE OF PUBLICATION

TOWSON, MD. August 23, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on August 3, 1989.

THE JEFFERSONIAN
TOWSON TIMES,

S. Zebe Orlean

Publisher

PO 15 22
reg M31065
ca 90-62SPH
price \$100.05

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 at 11:30 a.m. on Friday, August 25, 1989 at 11:30 a.m.
Petition for Special Hearing
Case number 90-62-SPH
W/S Falls Road, 2500' S of c/l of Benson Mill Road
15906 Falls Road
5th Election District - 3rd Councilmanic District
Petitioner(s): Dennis G. McGee
Hearing Scheduled: Friday, August 25, 1989 at 11:30 a.m.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at this hearing.
J. ROBERT HAINES
Zoning Commissioner
BALTIMORE COUNTY
TOWSON, MD.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

November 1, 1989



J. Melville Townsend, Esquire
24 W. Pennsylvania Avenue, Suite 200
Towson, Maryland 21204

RE: Petition for Special Hearing
W/S Falls Road, 2500' S of the c/l of Benson Mill Road
(15906 Falls Road)
5th Election District - 3rd Councilmanic District
Dennis G. McGee - Petitioner
Case No. 90-62-SPH

Dear Mr. Townsend:

As you know, a hearing was held on the above-captioned matter on August 25, 1989 at which time you indicated you would be providing additional information in support of this request. This matter remains open pending the receipt of said information. If no word is heard from you within 15 days of the date of this letter, a decision will be rendered based upon the testimony and evidence presented at the hearing.

If you have any questions on the subject, please feel free to call me. Thank you for your attention in this matter.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:hjs

cc: Case File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

July 14, 1989



NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing
CASE NUMBER: 90-62-SPH
W/S Falls Road, 2500' S of c/l of Benson Mill Road
15906 Falls Road
5th Election District - 3rd Councilmanic District
Petitioner(s): Dennis G. McGee
HEARING SCHEDULED: FRIDAY, AUGUST 25, 1989 at 11:30 a.m.

Special Hearings A non-density transfer of 4.00 acres to an adjoining property owner and to establish not more than two lots from a 12.00 acre parcel in a RC-2 Zone.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRH:js

cc: Dennis G. McGee
J. Melville Townsend, Esq.
File

J. MELVILLE TOWNSEND
Attorney At Law
SUITE 200
24 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

(301) 825-7488

May 10, 1989

RE: Petition for Special Hearing
Dennis G. McGee
4.00 Acres - Falls Road

The following is an explanation of the devolution of title to the 12.00 Acres of land owned by BESSIE A. CURTIS, widow, on November 25, 1979:

By Deed dated March 15, 1932 and recorded among the Land Records of Baltimore County in Liber LMcM No. 895 folio 75, William H. Peregrine conveyed a 14.16 acre tract to Levi T. Curtis and Bessie A. Curtis, as tenants by the entireties. The said Levi T. Curtis died June 18, 1961, thereby vesting title in his widow, the said Bessie A. Curtis.

By Deed dated May 6, 1971, Bessie A. Curtis conveyed the 1.451 acre parcel to her son, Thomas Robert Curtis (see Plat Attached). O.T.G. 5209-18.

The Gas Company widened the Susquehanna Transmission line along the north west side of the larger tract and by Deed dated April 26, 1973, Bessie A. Curtis conveyed a 0.7 acre widening strip to Bankers Trust Trustee and B. G. & E. Co., said Deed being recorded in Liber E.R.K.Jr. No. 5355 folio 52 (see Plat attached).

As a result, as of November 25, 1979, Bessie A. Curtis was seized of the 12.00 acre tract outlined in Yellow on the attached Plat.

Bessie A. Curtis departed this life, testate, on or about February 25, 1983, seized and possessed of the 12.00 acre tract outlined in yellow. By her last Will and Testament, duly admitted to probate by the Orphans' Court for Baltimore County (Estate No. 51845), the subject 12.00 acre tract was devised to the three children of Bessie A. Curtis, THOMAS ROBERT CURTIS, MARYA VIRGINIA KOHLER and HARRY LEVI CURTIS. By Deed of Distribution dated February 4, 1984 and recorded in Liber E.R.K.Jr. No. 6671 folio 814, the Personal Representative of the Estate of the said Bessie A. Curtis, deceased, distributed and conveyed the 12.00 acre tract to the said three children in accordance with the terms of the Will of their mother, the Grantees taking as tenants in common.

Subsequently, on August 17, 1984, the said three children, in an effort to avoid an Equity Partition Suit in the Circuit Court for Baltimore County dividing the property up between the parties in kind (into 3 separate 4.00 acre parcels), a right to which each of the children held absolutely, the three came to an agreement whereby they would convey the 4.00 acres outlined in GREEN to THOMAS ROBERT CURTIS as the adjoining property owner (4.00 acres) the lands adjacent to which his mother conveyed to him in 1971 by Deed O.T.G. No. 5209 folio 18, ^{supra}.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE 8/7/89



Dennis G. McGee
2513 Whitehall Road
Whitehall, Maryland 21161

Re: Petition for Special Hearing
CASE NUMBER: 90-62-SPH
W/S Falls Road, 2500' S of c/l of Benson Mill Road
15906 Falls Road
5th Election District - 3rd Councilmanic District
Petitioner(s): Dennis G. McGee
HEARING SCHEDULED: FRIDAY, AUGUST 25, 1989 at 11:30 a.m.

Dear Mr. McGee:

Please be advised that \$125.65 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$20.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:js

cc: J. Melville Townsend, Esq.
File

MICHAEL B. DALLAS

Registered Surveyor
SUITE 200
24 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

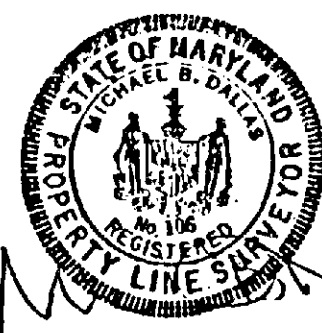
494-0020

ZONING DESCRIPTION
15906 Falls Road

BEGINNING for the same at a point distant southerly 2500 feet more or less, South 09 degrees 25 minutes west 85.00 feet, South 03 degrees 30 minutes west 208.69 feet, South 45 degrees 56 minutes west 347.40 feet and North 44 degrees 04 minutes 65.00 feet from the intersection of the centerline of Falls Road (State Route No. 25) with the centerline of Benson Mill Road, thence running the eight following courses and distances, viz:
1. South 45 degrees 30 minutes west 440.00 feet,
2. North 31 degrees 49 minutes 40 seconds west 140.00 feet,
3. North 33 degrees 39 minutes 40 seconds west 370.00 feet,
4. North 23 degrees 39 minutes 40 seconds west 45.00 feet,
5. North 47 degrees 35 minutes 29 seconds east 218.00 feet,
6. South 36 degrees 09 minutes 40 seconds east 327.00 feet,
7. North 45 degrees 35 minutes 20 seconds east 158.00 feet and
8. South 44 degrees 04 minutes east 232.50 feet to the place of beginning.

CONTAINING 4.00 acres of land more or less.

May 9, 1989



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

August 21, 1990

Hurst R. Hessey, Esquire
Hessey & Hessey
1311 Fidelity Building
Charles and Lexington Streets
Baltimore, Maryland 21201

Re: Case No. 90-62-SPH (Dennis G. McGee)

Dear Mr. Hessey:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals in the subject matter.

Sincerely,

Linda Lee M. Kuzmaul
Linda Lee M. Kuzmaul
Legal Secretary

Enclosure

cc: Mr. Dennis G. McGee
Mr. Michael B. Dallas
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

5/2/90 - Following parties notified of hearing set for August 17, 1990 at 10:00 a.m.:

Hurst R. Hessey, Esq.
Mr. Dennis G. McGee
Michael B. Dallas
People's Counsel
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

May 2, 1990

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 90-62-SPH DENNIS G. MCGEE
W/S Falls Rd., 2500' S of c/l of Benson Mill Road (15906 Falls Rd.)
5th Election District
3rd Councilmanic District
SPH-nondensity transfer 4.0 acre to adjoining property owner to establish not more than 2 lots from 12-acre parcel
1/11/90 - D.Z.C.'s Order DENYING Petition

ASSIGNED FOR: FRIDAY, AUGUST 17, 1990 at 10:00 a.m.

cc: Hurst R. Hessey, Esquire Counsel for Petitioner/Appellant
Mr. Dennis G. McGee " "
Michael B. Dallas " "
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

Linda Lee M. Kuzmaul
Legal Secretary

IN RE: PETITION SPECIAL HEARING
NW/4 of Freeland Road, 2,048'
NE of Middletown Road -
6th Election District
Thomas Jerome Graziano, et ux,
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 87-478-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request confirmation for three building lots. These two building lots would otherwise be permitted, as more particularly described on Petitioners' Exhibit 1.

The Petitioners appeared and testified and were represented by Counsel. Phyllis Cole Friedman, People's Counsel, and Harold Lloyd, a neighbor, also appeared in opposition.

Testimony indicated that the subject property, located on Freeland Road and zoned R.C.2, consists of approximately 30 acres and was part of a much larger tract owned by the Bedgar family, which was subdivided in 1976 and approved by Baltimore County as Spring Valley Farms, Section 1. This subdivision, however, excluded the lots which are the subject of this Petition.

By will, in or around 1977, Mrs. Bedgar subdivided the remaining parcel, known as Tract A, leaving the lots to the Petitioners herein, her son and grandson. The parcel identified as the "House Parcel" on Petitioners' Exhibit 1 consists of approximately 9.5 acres and is improved with an existing dwelling which has been sold. Two other lots shown thereon, containing approximately 6.3 acres and 5.9 acres, are the subject of this Petition. Mrs. Bedgar died in 1981, and the trustee of her estate distributed the lots in question to the Petitioner, as directed in her will. They now wish to develop the properties pursuant to Mrs. Bedgar's testamentary disposition.

The request would seem innocuous on the surface; certainly, an affirmative conclusion would have a minimal impact on the adjacent community. However, confirmation of the Petitioners' position would create a severe impact to the County. The issue, to coin a paraphrase, is whether to permit a game-winning home run after the ballgame is over.

Under current zoning regulations, the property would be permitted two lots, one of which has already been utilized. The Petitioners argued that they should be permitted the two additional lots described on Petitioners' Exhibit 1, notwithstanding the current zoning. The basis for this argument is Section 22-1, Baltimore County Code (BCC), which defines "subdivision" as follows:

Subdivision means the division of a lot, tract or parcel of land into two or more lots...except that the following divisions shall not be considered subdivisions...provided, that no new streets or roads are involved...divisions of property by testamentary or intestate provisions...

They argued that the exemption from the defined term "subdivision" includes exemption from the Baltimore County Zoning Regulations (BCZR). Unfortunately, Commissioner Ueberroth, nee Jablon, rules the alleged home run "foul".

To rule in the Petitioners' favor would subvert the intent of the law and subject the County to a game known and played only in heaven. Section 22-1 cannot be read by itself but must be read in conjunction with Sections 22-39, 22-42(4), and 22-53, et seq., BCC.

The meaning of the plainest words in a statute may be controlled by the context. A statute should be so construed that all its parts harmonize with each other and render them consistent with its general object and scope. Pittman v. Housing Authority, 25 A.2d 466.

The basic principles of statutory construction were comprehensively set out by the Court of Appeals in State v. Fabritz, 276 Md. 416 (1975), cert. denied, 425 U.S. 942 (1976):

The cardinal rule in the construction of statutes is to effectuate the real and actual intention of the Legislature. Purifoy v. Merc-Safe Dep. & Trust, 273 Md. 58, 327 A.2d 483 (1974); Scoville Serv., Inc. v. Imperator, 269 Md. 390, 306 A.2d 534 (1973); Height v. State, 225 Md. 251, 170 A.2d 212 (1961). Equally well settled is the principle that statutes are to be construed reasonably with reference to the purpose to be accomplished, Walker v. Montgomery County, 244 Md. 98, 223 A.2d 181 (1966), and in light of the evils or mischief sought to be remedied, Mitchell v. State, 115 Md. 360, 80 A.2d 1020 (1911); in other words, every statutory enactment must be "considered in its entirety, and in the context of the purpose underlying [its] enactment." Giant v. Md. State's Attorney, 267 Md. 501 at 509, 298 A.2d 427, at 432 (1973). Of course, a statute should be construed according to the language of the statute which constitutes it is ordinary and natural import of its language, since it is the primary source for determining the legislative intent. Grosvenor v. Supervisor of Assess., 271 Md. 232, 315 A.2d 758 (1974); Height v. State, supra. Where there is no ambiguity or obscurity in the language of a statute, there is usually no need to look elsewhere to ascertain the intention of the Legislature. Purifoy v. Merc-Safe Deposit & Trust, supra. Thus, where statutory language is plain and free from ambiguity and expresses a definite and sensible meaning, courts are not at liberty to disregard the natural import of words which is different from its plain meaning. Gateswood v. State, 244 Md. 609, 224 A.2d 677 (1966). On the other hand, as stated in Maguire v. State, 192 Md. 615, 623, 65 A.2d 299, 302 (1949), "[a]dherence to the meaning of words does not require or permit isolation of words from their context...[since] the meaning of the plainest words in a statute may be controlled by the context...in construing statutes, therefore, results that are unreasonable, illogical or inconsistent with common sense should be avoided whenever possible consistent with the statutory language, with the real legislative intention prevailing over the literal meaning indicated by the literal meaning." B. F. Saul Co. v. West End Park, 250 Md. 707, 246 A.2d 591 (1968); Co. v. Md. Board of Censors, 245 Md. 319, 226 A.2d 317 (1967); Height v. State, supra.

In applying these principles to the BCC, particularly those sections cited above, the conclusion is inescapable that the Petitioners' argument must fail. The intent of the BCC must be determined after construing all of the sections as a whole. See Smith v. Miller, 249 Md. 390. Thus, the specific

language exempting testamentary dispositions from the definition of subdivision must be construed in light of all of those provisions concerning subdivision so that the several parts of those sections are given their intended effect. The relationship among those various provisions exempting such dispositions from being considered as subdivisions must be reconciled as a whole. See Smith, supra; Bowie Vol. Fire Dept. & Rescue Squad, Inc. v. Bd. of County Commissioners, 255 Md. 381; Anderson, American Law of Zoning, Section 16.08.

Section 22-1 clearly exempts testamentary dispositions of property, where no new streets or roads are involved, from being considered a subdivision of such property. Indeed, the Baltimore County Council (Council) confirmed the intent of Section 22-1 in 1982 when it recodified and amended the development regulations, Section 22-37, BCC, et seq. Section 22-39 defines subdivision similarly to Section 22-1, but without the exemptions. Section 22-41, BCC, however, exempts subdivision of land for agricultural purposes, and Section 22-42(4) exempts subdivision of land pursuant to court order, will, or laws of interstate (sic) succession. The Council made its intentions clear—testamentary disposition of property shall be exempt from the subdivision regulations delineated in the BCC. Such dispositions are not exempt from the BCZR. Section 22-42 exempts testamentary dispositions from division 2 of the Development Regulations, which sets forth the development review and approval process. In other words, division of land by will precludes the County from requiring the County Review Group (CRG) from reviewing and approving the development of such land. Building permits can be issued without the need for CRG review. It does not mean that such development need not comply with the BCZR in effect. The advantage to the Petitioners is still extreme, notwithstanding their failure to convince this Commissioner that they deserve all

that they are requesting. In a letter of advice dated November 4, 1980, the Office of Law responded to the same issue raised here by concluding that:

The zoning power, in its proper exercise is not concerned with the alienability of land, whatever the size of the parcel transferred. Zoning is solely concerned with the manner by which an owner attempts to utilize his land. Thus, although the Baltimore County zoning regulations can in no way interfere with the expectation of the testator's intention in transferring title to his property, the devisees assume title subject to the zoning regulations, with the usual legal recourse of application for variances, special exceptions, and reclassifications."

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested relief should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 9th day of July, 1987, that only two building lots are permitted and, as such, the petition for Special Hearing is hereby DENIED.

[Signature]
Zoning Commissioner of
Baltimore County

AJ/srl

cc: Jeffrey H. Gray, Esquire
Mr. Harold Lloyd
People's Counsel

IN THE MATTER OF
THE APPLICATION OF
THOMAS JEROME GRAZIANO, ET UX
FOR SPECIAL HEARING ON PROPERTY
LOCATED ON THE NORTHWEST SIDE OF
FREELAND ROAD, 2,048' NORTHEAST OF
MIDDLETOWN ROAD
6th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. 87-478-SPH

OPINION

This case comes before this Board on appeal from a decision of the Zoning Commissioner stating that only two building lots are to be permitted and that the Petition for Special Hearing to grant a building permit is denied.

This case is unique in the resalable history of this Board. All testimony and evidence presented in this case was so entered by stipulation and the history creates the uniqueness.

Lizetta Bedgar owned a large farm in northern Baltimore County. In 1976, she parceled off through the subdivision process nine parcels, some of which were sold and some of which went to relatives. She retained title to what is known as Tract A, consisting of some 21.7 acres. At that time, she made known that upon her death two further parcels were to be allocated, one to her grandson and one to a life-long employee, i.e., Mr. Graziano. In 1979, the R.C. 2 regulations took effect and Tract A containing the 21+ acres thereupon became a single parcel, even though it was her avowed intention to allot the two six-acre parcels to her grandson and to her employee.

In 1981 Mrs. Bedgar passed away. As was stated in her will, the trustee of her estate distributed the lots, one to the grandson and one to Mr. Graziano. These lots were surveyed, entered among the Land Records of Baltimore County, and entered on the tax rolls of Baltimore County in 1986.

Case No. 87-478-SPH
Thomas Jerome Graziano, et ux

Mr. Graziano, understandably, assumed throughout this entire time that his bequest was for a buildable parcel of land. When he applied for a building permit, said permit was denied on the assumption that Tract A of 21+ acres was the parcel considered in the R.C. 2 zoning and since two houses have already been developed, a third one would not be allowed. Strict interpretation of the Baltimore County Zoning Regulations regarding the R.C. zone verified this. Since Mr. Graziano in his mind assumed from as far back as 1976 that he was to receive a viable inheritance, it appears arbitrary for this Board to deny him the building permit making this 5+ acre parcel a viable use of the land. The legislative intent of the R.C. 2 regulations is well-documented in that the purpose of the R.C. 2 zoning is to deny haphazard, indiscriminate and objectionable development in our agricultural areas. To permit Mr. Graziano one residence on one 5+ acre tract does not seem to fall within these categories. As stated in Mr. Jablon's Opinion, on page 3, in quoting several cases:

"...In construing statutes, therefore, results that are unreasonable, illogical or inconsistent with common sense should be avoided whenever possible consistent with the statutory language, with the real legislative intention prevailing over the intention indicated by the literal meaning." B. F. Saul Co. v. West End Park, 250 Md. 707, 246 A.2d 591 (1968); Sanza v. Md. Board of Censors, 245 Md. 319, 226 A.2d 317 (1967); Height v. State, supra.

It is the opinion of this Board that to deny the requested building permit in view of the above-quoted legal interpretation would be arbitrary on the part of this Board. The Board is aware that the granting of this building permit for one residence on this R.C. 2 parcel officially created after the enactment of the R.C. 2 regulations but morally created years prior to their enactment may be construed as opening the door to indiscriminate subdividing of R.C. 2 properties by way of testamentary disposition. In order to preclude

Case No. 87-478-SPH
Thomas Jerome Graziano, et ux
this, the Board will require that a stipulation be entered among the Land Records of Baltimore County by Mr. Graziano that, so long as the zoning on this parcel remains R.C. 2, no further subdivision may be permitted or any other building permits considered. In consideration of the above, the Board is of the opinion that the building permit for parcel B owned by Mr. Graziano be granted.

ORDER

It is therefore this 1st day of March, 1988 by the County Board of Appeals of Baltimore County ORDERED that the two parcels designated in the will of Lizetta Bedgar, surveyed and entered among the Land Records of Baltimore County, and deeded to Thomas A. Bedgar, Jr., and Thomas J. Graziano be and the same are GRANTED;

IT IS FURTHER ORDERED that the Petition for Special Hearing to permit a building permit for a single-family dwelling on that lot known as parcel B owned by Mr. Graziano be and the same is GRANTED, providing a stipulation be entered among the Land Records of Baltimore County that so long as the zoning remains R.C. 2 no further subdividing or building permits will be permitted.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

[Signature]
William T. Hackett, Chairman
[Signature]
Arnold P. Foreman
[Signature]
Harry E. Buchneister, Jr.

This Deed, Made This 15th day of December

in the year one thousand nine hundred and eighty-four by and between
Martha Virginia Kohler and Thomas Robert Curtis, Trustees for the
benefit of Harry Levi Curtis

of Baltimore County parties of the first part, and
Michael B. Lee and Julie V. Close, parties -

of the second part.

Witness, That in consideration of the sum of Eighteen Thousand Five Hundred
(\$18,500.00) and receipt whereof is hereby acknowledged

the said
Martha Virginia Kohler and Thomas Robert Curtis,
benefit of Harry Levi Curtis

do grant and convey to the said
Michael B. Lee and Julie V. Close, parties,
in common, their

personal representatives/successors and assigns
that lot of ground situated in Fifth Election District of Baltimore
County and described as follows, that is to say:

CURTIS FAMILY PARCEL NUMBER THREE

LIBER 7404 PAGE 641

EXHIBIT "A"

BEGINNING for the same at a stone no. 4 south 36 degrees East 271
feet from the end of the north 41 1/4 degrees 54 1/4 ches line of the
first lot of ground described in a Deed from William M. Peregoy and wife
to James F. Kelly recorded among the Land Records of Baltimore County,
June 21, 1928 in Liber WM, No. 556, folio 476, said stone also marking
the beginning of that tract of land which by Deed dated March 15, 1932
and recorded among the Land Records of Baltimore County in Liber WMCM,
No. 895, folio 75 was granted and conveyed by William M. Peregoy unto
Levi T. Curtis and Bessie A. Curtis, his wife, and running thence with
North 43 degrees 30 minutes 20 seconds East 158 feet to intersect the
Curtis Family Parcel Number One and running thence reversely along a
portion of the fifth or North 44 degrees 04 minutes 04 seconds East
line of said Curtis Family Parcel Number One South 44 degrees 04 minutes
Curtis Family Parcel Number Two and running thence and binding reversely
along the third line of said Curtis Family Parcel Number Two South 45
degrees 30 minutes West 440 feet to intersect the tenth or North 31 degrees
East 232.5 feet, more or less, to intersect the northern most corner of
said last mentioned Deed North 31 degrees 39 minutes 40 seconds West 370
feet running thence with and binding along a portion of the twelfth line
of said last mentioned Deed North 23 degrees 39 minutes 40 seconds West
45 feet, more or less, to intersect that 0.7 acre parcel of land which by
Deed dated April 26, 1971 and recorded among the Land Records of Baltimore
County in Liber ERMJr., No. 5355, folio 52 was granted and conveyed by

BEGINNING for the same at a stone no. 4 south 36 degrees East 271
feet from the end of the north 41 1/4 degrees 54 1/4 ches line of the
first lot of ground described in a Deed from William M. Peregoy and wife
to James F. Kelly recorded among the Land Records of Baltimore County,
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the beginning of that tract of land which by Deed dated March 15, 1932
and recorded among the Land Records of Baltimore County in Liber WMCM,
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Levi T. Curtis and Bessie A. Curtis, his wife, and running thence with
North 43 degrees 30 minutes 20 seconds East 158 feet to intersect the
Curtis Family Parcel Number One and running thence reversely along a
portion of the fifth or North 44 degrees 04 minutes 04 seconds East
line of said Curtis Family Parcel Number One South 44 degrees 04 minutes
Curtis Family Parcel Number Two and running thence and binding reversely
along the third line of said Curtis Family Parcel Number Two South 45
degrees 30 minutes West 440 feet to intersect the tenth or North 31 degrees
East 232.5 feet, more or less, to intersect the northern most corner of
said last mentioned Deed North 31 degrees 39 minutes 40 seconds West 370
feet running thence with and binding along a portion of the twelfth line
of said last mentioned Deed North 23 degrees 39 minutes 40 seconds West
45 feet, more or less, to intersect that 0.7 acre parcel of land which by
Deed dated April 26, 1971 and recorded among the Land Records of Baltimore
County in Liber ERMJr., No. 5355, folio 52 was granted and conveyed by

B 0711-0000296001A 5025A

LIBER 6848 PAGE 159-B

Bessie A. Curtis unto Bankers Trust Company, Trustee, et al and running
thence and binding along the land contained in the Deed lastly herein
referred to North 47 degrees 35 minutes 20 seconds East 2 feet, more
or less, to intersect the fifteenth or South 36 degrees East 405 foot
line of the land conveyed by Peregoy to Curtis as aforesaid at the end
of 78 feet thereon and running thence with and binding along the
remainder of said last mentioned line south 36 degrees 09 minutes 40
seconds East 327 feet to the point of beginning. Containing 4.00 acres
of land, more or less, together with an easement or right-of-way across
Curtis Family Parcel Number One 15 feet wide extending southerly along
the second or South 44 degrees 04 minutes East 232.5 feet line of the
land hereinabove described as well as along the South 44 degrees 04
minutes East 65 foot line of Curtis Family Parcel Number Two to connect
with the 15 foot wide easement or right-of-way appertinent to said Curtis
Family Parcel Number Two and thence easterly and northeasterly so as to
afford ingress to and egress from the property hereinabove described
from and to the Falls Road.

BEING one of the lots or parcels of ground which by Deed in lieu
of partition and recorded among the Land Records of Baltimore County in
Liber E.H.K.Jr., No. 6786 folio 282 was granted and conveyed by Martha
Virginia Kohler et al unto Martha Virginia Kohler and Robert Thomas
Curtis, in trust for the benefit of Harry Levi Curtis, the Grantors
herein.

To Have and To Hold the said described lot of ground and premises to the said
party of the second part, his

And the said parties of the first part hereby covenant that they have not done or
suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed;
that they will warrant specially the property hereby granted; and that they will execute
such further assurances of the same as may be requisite.

Witness the hands and seal of said grantor

Michael Blair Lee (SEAL)
Julie V. Close-Lee (SEAL)

STATE OF MARYLAND, Baltimore County, to wit:
I HEREBY CERTIFY, That on this 7th day of November
in the year one thousand nine hundred and eighty-six, before me,
the subscriber, a Notary Public of the State aforesaid, personally appeared Michael Blair Lee and
Julie V. Close

known to me (or satisfactorily proven) to be the person s whose names s/are subscribed to
the within instrument, and acknowledged the foregoing Deed to be their act, and in my presence signed and
sealed the same.

In WITNESS WHEREOF, I hereunto set my hand and official seal

My Commission expires:

July 1, 1990

Mail to American Letter, Inc.
P.O. Box 35
Reston, Va. 20136

To Have and To Hold the said described lot of ground and premises to the said
Michael B. Lee and Julie V. Close, as joint tenants and not as tenants
in common, their

personal representatives/successors
and assigns, in fee simple.

And the said parties of the first part hereby covenant that they not done or
suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed;
that they will warrant specially the property hereby granted; and that they will execute
such further assurances of the same as may be requisite.

Witness the hand and seal of said grantor

Test:

Martha Virginia Kohler (SEAL)
MARTHA VIRGINIA KOHLER

Thomas Robert Curtis (SEAL)
THOMAS ROBERT CURTIS

STATE OF MARYLAND, Baltimore County, to wit:
I HEREBY CERTIFY, That on this 15th day of December
in the year one thousand nine hundred and eighty-four, before me,
the subscriber, a Notary Public of the State aforesaid, personally appeared Martha Virginia Kohler
and Thomas Robert Curtis

known to me (or satisfactorily proven) to be the person s whose names s/are subscribed to
the within instrument, and acknowledged the foregoing Deed to be their act, and in my presence signed and
sealed the same.

In WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission expires:

July 1, 1986

Rec'd for record JAN 9 1985 at 12:12 PM
Per Elmer H. Kahline, Jr., Clerk
Mail to A. Warner, Inc.
Receipt No. 19.00

STIPULATION OF FACTS

In 1932, by deed dated March 15, 1932,
the subject 12.00 acres and an additional 2.00 acres more or less were
purchased by Levy and Bessie Curtis. Subsequently, by deed dated May 6,
1971, Bessie A. Curtis, then a widow, transferred 1.451 acres of the 14.00
acres more or less to her son, Thomas Curtis and Dorothy R. Curtis, his
wife. Said parcel is identified as Parcel A on Petitioner's Exhibit 1.
Thereafter, .7 acres of the remaining acreage was deeded to the Baltimore
Gas and Electric Company in 1973. At that time, there remained 12.00
acres more or less. Bessie Curtis passed away in February, 1983 and by
will divided the property among her three children. On August 17, 1984,
the three children filed a deed in lieu of partition in the Land Records
of Baltimore County dividing the remaining 12.00 acres illegally into
three parcels. Testimony presented by Petitioners indicated that since
1984, there has been no construction on any of the three parcels. Parcel 1
was given to the daughter, Martha Kohler who has since passed away and
left Parcel 1 to Thomas Curtis' daughters. Parcel 2 was deeded to Thomas
Curtis, the adjoining property owner of Parcel A and Parcel 3 was deeded
to Martha Kohler as Trustee for her brother, Harry Curtis. Parcel 3 was
subsequently sold in 1984 to Petitioner's predecessor in interest. The
division of the property into three (3) lots is an illegal subdivision in
violation of Section 1A01.3 of the B.C.2.R.

This Deed, Made This 7th day of November

in the year one thousand nine hundred and eighty-six by and between
Michael Blair Lee and Julie V. Close, parties

of the first part, and

Dennis G. McGee, party

of the second part.

Witness, That in consideration of the sum of Thirty-four Thousand Two Hundred Sixty-
nine and no/100 Dollars (\$34,269.00) receipt of which is hereby acknowledged

the said parties of the first part

do grant and convey to the said party of the second part, his

personal representatives/successors and assigns, in fee simple, all

that lot of ground situated in Baltimore County,

and described as follows, that is to say:

For description see attached EXHIBIT "A"

BEING the same lot of ground described in a Deed dated December 18, 1984 and recorded
among the Land Records of Baltimore County in Liber E.H.K.Jr. 6848 folio 159 was
granted and conveyed by Martha Virginia Kohler and Thomas Robert Curtis, Trustees
for the benefit of Harry Levi Curtis, unto Michael B. Lee and Julie V. Close.
(Julie V. Close is now known as Julie V. Close Lee)

Subject to covenants and restrictions of record.

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other and further assurances as may be required.

WITNESS THE HANDS AND SEALS OF THE PARTIES HERETO:

LIB 6786 PAGE 283

CURTIS FAMILY PARCEL NUMBER TWO

Maura F. Corbett

Maura F. Corbett

Maura F. Corbett

Martha Virginia Kohler (SEAL)

Thomas Robert Curtis (SEAL)
THOMAS ROBERT CURTIS

Harry Levi Curtis (SEAL)
HARRY LEVI CURTIS

STATE OF MARYLAND, COUNTY OF Sacko, To Wits:

I HEREBY CERTIFY THAT on this 17 day of August, 1984, before me the subscriber, a Notary Public in and for the State of VIRGINIA, and County aforesaid, personally appeared WALTER KOHLER, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and made oath in due form of law that she executed same for the purposes therein stated.

WITNESS my hand and Notarial Seal.
Laura F. Coblenz
 Notary Public

My Commission Expires: 7/1/86

STATE OF MARYLAND, COUNTY OF Baltimore, To Wit:

I HEREBY CERTIFY THAT on this 17th day of August, 1984, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared THOMAS ROBERT CURTIS, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and made oath in due form of law that she executed same for the purposes therein expressed.

Wd. J. J. J.

WITNESS my hand and Notarial Seal.

Daura L. Collier
Notary Public

My Commission Expires: 7/1/86

STATE OF MARYLAND, COUNTY OF Baltimore, To, Wit:

I HEREBY CERTIFY THAT ON this 15th day of December, 1984, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared HARRY LEVI CURTIS State and County aforesaid, personally appeared HARRY LEVI CURTIS known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and made oath in due form of law that she executed same for the purposes therein contained.

WITNESS my hand and Notarial Seal.

Doreen F. Cox
Notary Public

My Commission Expires: 7/1/86

TRANSFER TAX NOT REQUIRED
Director of Finance
BALTIMORE COUNTY, MARYLAND
Per Thomas J. Calburn
Authorized Signature
Date 9-21-85 Sec. 11-85

Exhibit

Liber L McL M 8 9 5

Witness my hand and Notarial Seal
(Notarial Seal) James Kelly
Notary Public
Subscribed and sworn to before me on 11th day of May 1913 at 3 15 P.M. and signed by Louis McL. Morrissey Clerk

described from this as the "Red" book.

REC'D
SEP 24 1984
FBI - NEW YORK

DEED C
EIN JR T
AC-560 C

Rec'd for record SEP 24 1984 at [initials]
Per Elmer H. Kahline, Jr., Clerk
Mail to [Handwritten: Donald Harrison] [initials]
Receipt No. [initials] \$2500

Records are to be maintained in accordance with the following schedule:

[illegible]

09) this Deed-Book this 10th day of March in the year one thousand
William H Percy) now hundred and thirty two and by between William H Percy
Deed To) divorced of Baltimore County in the State of Maryland and of
of J. Curtis & wife) first part and Levi T. Curtis and Susette A Curtis his wife of
the County and State of Maryland and the said Susette his wife of
the County and State of Maryland and other good and valuable
considerations the receipt whereof is hereby fully acknowledged the said William
Percy does grant and convey unto the said Levi T. Curtis and Susette A Curtis his wife
tenants by the entireties in and to the two tracts of land that last part of Last and premises
tracing lying and being in the Fifth Election District of Baltimore County aforesaid and
described as follows that is to say
Tract 1.) bounded for the same at South 4 South 34 degrees East 291 feet from the end of the
North 41 1/2 degrees 34 degrees line of the first lot of ground described in a deed from
William H Percy and wife to James F. Kelley recorded among the Last Records of Balti-
more County June 21 1828 in Liber T B 265 folio 476 etc running thence by line of
division North 40 degrees and 40 minutes East 631 feet to a stake at the East side
of Falls Road 20 feet from the centre thereof thence along the East side of said road
across and distances as follows South 13 degrees and 55 minutes East 160 feet South
7 degrees and 55 minutes East 100 feet South 6 degrees and 5 minutes East 100 feet South
15 minutes East 56 feet thence by the present boundary of the first said tract of land
North 28 degrees and 45 minutes East 200 feet South 31 degrees and 15 minutes East 215
feet to a stone thence by the present boundary of the second lot of ground described in
above mentioned deed South 33 degrees and 50 minutes East 291 feet to so far the centre
of Indian Run thence following said Run North 50 degrees and 10 minutes South 20 feet
North 31 degrees and 40 minutes East 255 feet North 33 degrees and 50 minutes East 291
feet North 43 degrees and 50 minutes East 75 feet North 63 degrees and 45 minutes East
50 feet thence leaving said Run and by line of division North 40 degrees and 40 minutes
East 251 feet intersecting the North 40 degrees East 43 degrees line of the said second

CURTIS FAMILY PARCEL NUMBER TWO

[illegible]

Subject however to a right-of-way 15 feet wide extending from Falls Road southerly as created by Deed dated May 6, 1971 and recorded among the Land Records of Baltimore County in Liber OTG, No. 5209, folio 18 from Bessie A. Curtis, widow, unto Thomas Robert E. Curtis, his wife.

Subject also to two additional rights-of-way, 15 feet wide for the benefit of Curtis Family Parcel Number Two and Curtis Family Parcel Number Three connecting with the 15 feet wide right-of-way hereinabove referred to, said two additional rights-of-way 15 feet wide and all of the southwesternmost lines of the above described Curtis Family Parcel Number One so as to afford access to and egress from Curtis Family Parcel Number One to Curtis Family Parcel Number Two, and to Fells Road and to be used in common with the owners thereof as well as the said Thomas and Dorothy R. Curtis, as well as the said Curtis Family Parcel Number One, Curtis and Dorothy R. Curtis, as well as the said Curtis Family Parcel Number Two and Curtis Family Parcel Number Three, their respective personal representatives and assigns.

100-443887-100

LIBR 5209 PAGE 018

PREPARED WITHOUT BENEFIT OF TITLE EXAMINATION
TRANSFER MOTHER TO SON

This Deed, Made this 6th day of April, 1771.
in the year one thousand nine hundred and seventy-one, by and between

BESSIE A. CURTIS, widow,

of the first part, and

THOMAS ROBERT CURTIS and DOROTHY R. CURTIS, his wife,

Witnesseth, that in consideration of the sum of Five Dollars (\$5.00), and other

good and valuable considerations, the receipt whereof is hereby acknowledged,
the said Bessie A. Curtis, widow,

does hereby grant and convey unto the said Thomas Robert Curtis and Dorothy R. Curtis, his heirs and assigns by the entireties, their assigns, and unto the survivors

of them, his or her heirs and assigns,

in fee simple, all that lot(s) of ground, situate, lying and being in

Baltimore County, State of Maryland, and described as follows, that is to say:--

Beginning for the same at a point in the 6th or South 26 degrees 45 minutes West 500.00 foot line of the land which by deed dated March 13, 1932 and recorded

among the Land Records of Baltimore County in Case 12,642, and was conveyed by William N. Perego, divorced, to Levi T. Curtis and Bessie A. Curtis, his wife, at the distance of 100.00 feet from the end of said sixth line, then leaving said sixth line and running for lines of division the two following courses and distances, as now surveyed: (1) North 63 degrees 24 minutes 40 seconds West 219.02 feet, (2) North 45 degrees 56 minutes 00 seconds East 520.93 feet to a point

on the west side of Falls Road 20.00 feet from the center thereof and to intersect the fourth or South 6 degrees 05 minutes East 100.00 foot line of the aforesaid deed at the distance of 17.74 feet from the end of said fourth line, running thence on the west side of Falls Road and binding on a part of the fourth and on all of the fifth lines of the aforesaid deed, as now surveyed, South 5 degrees 59 minutes 00 seconds

East 17.74 feet and South 0 degrees 51 minutes 00 seconds West 35.00 feet, thence leaving Falls Road and binding on a part of the sixth line of the aforesaid deed, as now surveyed, South 26 degrees 35 minutes 20 seconds west 400.00 feet to the place of beginning.

TOGETHER WITH a Right of Way, 15 feet wide, extending from Falls Road southerly to the above described parcel of land, to be used as a means of ingress

Application No. H-62068 Parcel 54
JG:msd

THIS DEED, Made this 26th day of April, in the year one thousand nine hundred and seventy-three, by and between BESSIE A. CURTIS, Widow, party of the first part, and BANKERS TRUST COMPANY, a corporation of the State of New York, Trustee, party of the second part, and BALTIMORE GAS AND ELECTRIC COMPANY, a corporation of the State of Maryland, party of the third part.

WHEREAS, the said party of the third part, by its original indenture dated February 1, 1919, and recorded among the Mortgage Records of Baltimore County in Liber W.P.C. No. 555, folio 1, etc., and supplemental indentures thereto, conveyed to the said party of the second part, Trustee, for the uses and purposes therein set forth, all the property of the said Baltimore Gas and Electric Company then owned or thereafter to be acquired by it; and

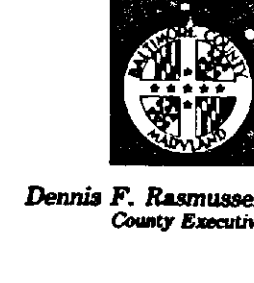
WHEREAS, in order to vest the title to the property hereinafter described in the said party of the second part, as Trustee under said original indenture dated February 1, 1919, and indentures supplemental thereto, it is now proposed to grant and convey the property hereinafter described directly to the said party of the second part, as such Trustee, and to the said party of the third part, subject, in all respects, to the right, title and interest of the said party of the second part, as such Trustee.

NOW, THEREFORE, THIS DEED WITNESSETH: That in consideration of the premises and the sum of Five (\$5.00) Dollars, and other valuable considerations, this day paid, receipt whereof is hereby acknowledged, the said party of the first part does hereby grant and convey unto the said Bankers Trust Company, Trustee under the afore-said original indenture dated February 1, 1919, and indentures supplemental thereto, and its successors in said trust, for the uses and purposes and upon the trusts in said indentures set forth and subject to the interest and estate so vested in Bankers Trust Company, Trustee, unto the said Baltimore Gas and Electric Company, its successors and assigns, in fee simple, all the parcel of land situate in the Fifth Election District of Baltimore County, State of Maryland, and described as follows:

1810067W 2 33.00 MSO

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
County Office Building
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this 14th day of June, 1989.

J. Robert Haines
Zoning Commissioner

Received By:
James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: Dennis G. McGee
Petitioner's Attorney: J. Melville Townsend

DEED - FEE SIMPLE - INDIVIDUAL GRANTEE - LONG FORM
JUL-6848 PAGE 159

THIS DEED, Made this 15th day of December

in the year one thousand nine hundred and eighty-four by and between Martha Virginia Kohler and THOMAS ROBERT CURTIS, Trustees for the benefit of Harry Levi Curtis of Baltimore County parties of the first part, and Michael B. Lee and Julie V. Close, parties of the second part.

WITNESSETH, That in consideration of the sum of Eighteen Thousand Five Hundred (\$18,500.00) and receipt whereof is hereby acknowledged

the said Martha Virginia Kohler and Thomas Robert Curtis, Trustees for the benefit of Harry Levi Curtis

do grant and convey to the said Michael B. Lee and Julie V. Close, parties of the second part, in fee simple, all that lot of ground situate in Fifth Election District of Baltimore County and described as follows, that is to say:

CURTIS FAMILY PARCEL "NUMBER THREE"

PETITIONERS
EXHIBIT 6-A

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building
Towson, Maryland 21204
(301) 887-3554

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Dear Mr. Haines:
The Bureau of Traffic Engineering has no comments for items number 493, 511, 513, 516, 517, 519, 520, 521, 522, 524, 528, 529, 530, 531, 532, and 533.
Very truly yours,
Michael S. Flanagan
Traffic Engineer Associate II

MSF/lab

DEED - FEE SIMPLE - INDIVIDUAL GRANTEE - LONG FORM
JUL-6848 PAGE 159

THIS DEED, Made this 7th day of November

in the year one thousand nine hundred and eighty-six by and between Michael Blair Lee and Julie V. Close, parties of the first part, and Dennis G. McGee, party of the second part.

WITNESSETH, That in consideration of the sum of Thirty-four Thousand Two Hundred Sixty-nine and no/100 Dollars (\$34,269.00) receipt of which is hereby acknowledged the said parties of the first part

do grant and convey to the said party of the second part, his

personal representatives, heirs, assigns and assigns, in fee simple, all that lot of ground situate in Baltimore County,

and described as follows, that is to say:

For description see attached EXHIBIT "A"
BEING the same lot of ground described in a Deed dated December 18, 1984 and recorded among the Land Records of Baltimore County in Liber EHK, Jr. 6848 folio 159 was granted and conveyed by Martha Virginia Kohler and Thomas Robert Curtis, Trustees for the benefit of Harry Levi Curtis, unto Michael B. Lee and Julie V. Close. (Julie V. Close is now known as Julie V. Close Lee)

Subject to covenants and restrictions of record.

Baltimore County
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204
J. Robert Haines
Zoning Commissioner

RE: Property Owner: DENNIS G. MCGEE
Location: W/S OF FALLS ROAD, 2,500' S OF THE CENTERLINE OF BENSON HILL ROAD
Item No.: 519 Zoning Agenda: JUNE 13, 1989

Gentlemen:
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Capt. John Kelly 6-15-89 Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KER

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 8, 1989

J. Melville Townsend, Esquire
24 W. Pennsylvania Avenue, Suite 200
Towson, MD 21204

RE: Item No. 519, Case No. 90-62-SPH
Petitioner: Dennis G. McGee
Petition for Special Hearing

Dear Mr. Townsend:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Dennis G. McGee
2513 Whitehall Road
Whitehall, MD 21161

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

7/6/89
Date

- Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204
Zoning Item # 519, Zoning Advisory Committee Meeting of June 13, 1989
Property Owner: Dennis G. McGee
Location: W/S OF FALLS RD, 2,500' S OF CENTERLINE OF BENSON HILL RD District: 5
Water Supply: private Sewage Disposal: private
COMMENTS ARE AS FOLLOWS:
- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
 - () Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.
 - () A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
 - () A permit to construct from the Bureau of Air Quality Management is required for any chabroiler generation which has a total cooking surface area of five (5) square feet or more.
 - () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
 - () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appliances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 887-4500 x 315.
 - () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations for more complete information, contact the Division of Maternal and Child Health.
 - () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
 - () Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 887-3775.
 - () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.
 - () Soil percolation tests, have been _____, must be _____ conducted.
 - () The results are valid until _____.
 - () Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
 - () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
 - () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test () shall be valid until _____.
 - () is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
 - () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
 - () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management at 887-3989.
 - () In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.
 - () Others _____

BUREAU OF WATER QUALITY AND RESOURCE MANAGEMENT